United Nations A/C.3/53/L.41

General Assembly

Distr.: Limited
12 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 110 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,[2]

Recalling its resolutions 47/136 of 18 December 1992 and 51/92 of 12 December 1996, as well as Commission on Human Rights resolutions 1992/72 of 5 March 1992[3] and 1998/68 of 21 April 1998,[4]

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the Safeguards guaranteeing protection of the rights of those facing the death penalty annexed

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.
[4] Ibid., *1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

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thereto and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions in all parts of the world,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continuing occurrence of extrajudicial, summary or arbitrary executions in those countries,

Recalling, in this fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide,[5] article 6 of the Convention, and expressing on this occasion satisfaction that an important step in the fight against impunity has been taken in the conclusion of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, while also acknowledging the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,

Acknowledging the contribution of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court with regard to ensuring effective prosecution concerning executions of non-combatants, carried out in cases of armed conflict not of an international character, in serious violation of article 3 common to the four Geneva Conventions of 12 August 1949, without previous judgement pronounced by a regularly constituted court affording all judicial guarantees that are generally recognized indispensable,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, arbitrary or summary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

4. *Notes* the encouragement to the Special Rapporteur of the Commission on Human Rights to continue, within the framework of her mandate, to collect information from all concerned and to seek the views and comments of Governments so as to be able to respond effectively to reliable information that comes before her and to follow up communications and country visits;

[5] Resolution 260 A (III).

5. *Reaffirms* Economic and Social Council decision 1998/265 of 30 July 1998, in which the Council endorsed the decision of the Commission on Human Rights, in its resolution 1998/68, to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years;

6. *Takes note* of the statement made by the Special Rapporteur on extrajudicial, summary or arbitrary executions before the General Assembly on 4 November 1998;[6]

7. *Notes* the important role the Special Rapporteur has played towards the elimination of extrajudicial, arbitrary or summary executions;

8. *Recalls* that the Commission on Human Rights, in its resolution 1998/68, requested the Special Rapporteur, in carrying out her mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit her findings on an annual basis, together with conclusions and recommendations, to the Commission on Human Rights, as well as such other reports as the Special Rapporteur deems necessary to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(b) To respond effectively to information that comes before her, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(c) To enhance further her dialogue with Governments, as well as to follow up recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in the defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender perspective in her work;

9. *Strongly urges* all Governments to respond to the communications transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that she may carry out her mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she so requests;

10. *Encourages* Governments, international organizations and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials, as well as members of United Nations peacekeeping or observer missions, in human rights and

[6] See A/C.3/53/SR.34.

humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

11. *Urges* the Special Rapporteur to continue to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary and arbitrary executions as are of particularly serious concern to her or where early action might prevent further deterioration;

12. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

13. *Calls upon* the Governments of all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, keeping in mind the safeguards and guarantees referred to in Economic and Social Council resolutions 1984/50 and 1989/64;

14. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to have been respected;

15. *Requests* the Secretary-General to provide the Special Rapporteur with an adequate and stable level of human, financial and material resources, to enable her to carry out her mandate effectively, including through country visits;

16. *Also requests* the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with the High Commissioner's mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

17. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fifth session on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and her recommendations for more effective action to combat that phenomenon.